IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7578 of 2007()

CMP.9628/2007 of J.M.F.C.-I,NEDUMANGAD
CR.136/07 OF ARYANAD EXCISE RANGE

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: PETITIONER/1ST ACCUSED

JUSTIN RAJ @ JOY, S/O. LAWRANCE,
THEKKUMKARA VEEDU, PONGODE, VALIYAKALUNGU,
UZHAMALAKKAL VILLAGE, NEDUMANGAD TALUK.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7578 OF 2007 B

Dated this the 10th day of December, 2007

O R D E R

Application for regular bail. The petitioner is the 1st accused. Altogether there are two accused. The co-accused was not arrested so far. The two accused persons were allegedly transporting 22 litres of spirit in a motor cycle when the motor cycle was intercepted and the petitioner was arrested on 3.11.07. The petitioner continues in custody from that date. The petitioner has one more case under the Kerala Abkari Act registered against him, submits the learned Public Prosecutor.

2. The learned Public Prosecutor opposes the application. In the wake of opposition by the learned Public Prosecutor bail can be granted to the petitioner only if this Court is in a position to entertain both satisfactions contemplated under Section 41 A of the Kerala Abkari Act. In the facts and circumstances of the case to which I have

already made brief reference, I am not at all persuaded to entertain either of those two satisfactions. I find merit in the opposition of the learned Public Prosecutor. In a case like this the investigator is certainly entitled to reasonable further time to complete the investigation.

3. This application is, in these circumstances, dismissed. I may hasten to observe that the petitioner shall be at liberty to move the courts below or this Court for bail again at a later stage of the proceedings, not, at any rate, prior to 19.12.2007. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

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